

Serial No. 09/752,939  
Request for Continuing Examination  
Page 7

## REMARKS

Claims 1-4, 6, 8, 12, and 21-39 are pending in the present application. By this Response filed with the Request for Continued Examination, Claims 1, 4, 6, 8, 12, 21, 29-30, 36-39 are amended. The amendments to the claims are supported by the application as originally filed, and do not introduce new matter. The claims also reflect amendments discussed with the Examiner in the allowed related application, U.S. Patent Application Serial No. 10/441,141. It is respectfully submitted that the present application is in condition for allowance.

### REJECTION OF CLAIMS 1-4, 6, 8, 12, AND 21-39 UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 1-4, 6, 8, 12, and 21-39 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Applicants have amended the claims and respectfully submit that this rejection is moot. Applicants request that the Examiner withdraw this rejection.

### REJECTION OF CLAIMS 1, 3, 4, 6, 8, 9, 12, 34, AND 36-39 UNDER 35 U.S.C. § 102(b)

Claims 1, 3, 4, 6, 8, 9, 12, 34, and 36-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,792,090 to Ladin, ("the '090 patent"). Applicants respectfully traverse this rejection in view of the present amendments.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). There is no teaching in the '090 patent of a single unit matrix comprising a cross-linked polymer network having closed cells containing oxygen. Thus, the '090 patent does not anticipate the currently pending invention and Applicants request the Examiner to withdraw the rejection.

Serial No. 09/752,939  
Request for Continuing Examination  
Page 8

REJECTION OF CLAIMS 1-4, 6, 8, 12, AND 21-39 UNDER 35 U.S.C. § 103(a)

Claims 1-4, 6, 8, 12, and 21-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '090 patent and U.S. Patent No. 6,187,290 to Gilchrist ("the '290 patent"). Applicants respectfully traverse this rejection in view of the present amendments.

The Examiner alleged that "it would be obvious to one having ordinary skill in the art at the time of the invention to provide foam comprising oxygen generated from the reaction of hydrogen peroxide and a catalyst as described by U.S. '090 and add active agents to the foam as disclosed by U.S. '290, motivated by the teaching of U.S. '290 that that foam forms protective cover to the wound and meanwhile delivers active agents, with reasonable expectation of having foam wound dressing comprising oxygen and active agents that are beneficial to the wound that provides optimal wound healing with minimal risk of infection."

"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03. See, also, *In re Royka*, 490 F.2d 981 (CCPA 1974). Applicants respectfully submit that, even assuming the teachings of the '090 patent and the '290 patent could be combined, the combined references do not teach or suggest all limitations of the claims. Accordingly, it is respectfully submitted that the currently amended claims are patentable over the '090 patent and the '290 patent.

The '290 patent teaches a foam product that entraps small bubbles of gas that are not oxygen, and though the foam may be dried to form a sheet, there is no teaching or suggestion in the '290 patent that the material that forms the substance of the foam is cross-linked. The '090 patent teaches that the wound device forms a reservoir to which a liquid may be added to generate oxygen release, but there is no teaching or suggestion of closed cells of oxygen. The first cited reference, the '290 patent, does not provide a teaching of oxygen and a matrix form of a cross-linked polymer; and the second cited reference, the '090 patent, does not provide a teaching of closed cells of oxygen. The

Serial No. 09/752,939  
Request for Continuing Examination  
Page 9

combination of the two references does not provide a sufficient teaching to overcome the deficiencies found in either of the references individually.

Therefore, Applicants respectfully submit that a *prima facie* case of obviousness is not established, as the teachings of the '090 patent and the '290 patent, alone or in combination, fail to render obvious Applicants' currently claimed invention. Claims 1-4, 6, 8, 12, 21-39 of the present application are respectfully submitted as patentable over the '090 patent and the '290 patent.

Serial No. 09/752,939  
Request for Continuing Examination  
Page 10

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CONCLUSION

The foregoing is a complete response to the Final Office Action mailed March 7, 2006. Applicants believe that they have fully responded to the Final Office Action, and that each of the claims is in condition for immediate allowance. Applicants respectfully request reconsideration and allowance of all pending claims.

A Petition for a two month extension of time is enclosed and the Commissioner is hereby authorized to charge the fee for a two month extension of time of \$225, and any other fees that may be required, or credit any overpayment, to Deposit Account No. 20-1507.

If the Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities that remain in the application which may be corrected by the Examiner's amendment, a telephone call to the undersigned attorney at (404) 885-3652 is respectfully solicited.

Respectfully submitted,



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